

SELECTION OF PUBLIC OFFICIALS

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SELECTION  
OF PUBLIC OFFICIALS  
IN IOWA

BY  
HENRY J. PETERSON

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## EDITOR'S INTRODUCTION

ORGANIZATION and methods are now everywhere emphasized in programs of political betterment. No one questions the fundamental proposition that public officials are agents of the sovereign people; but there is still considerable difference of opinion as to the best methods of selecting these agents. In the nineteenth century democracy declared in favor of popular election; but at present the same influence is demanding the short ballot.

BENJ. F. SHAMBAUGH

Office of the Superintendent and Editor  
The State Historical Society of Iowa  
Iowa City Iowa

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## AUTHOR'S PREFACE

THE selection of public officials in order to secure efficient, harmonious, and responsible administration in government has come to be a matter of prime importance. The situation has long demanded reform: it is now receiving close attention. Voluntary associations such as the City Club of Chicago, the Municipal Association of Cleveland, Ohio, and the National Short Ballot Organization are investigating the methods of selecting public officials to determine which officers ought to be elected and which appointed, and, if appointed, the proper agency by which appointment should be made.

It is the purpose of this paper to state the methods of selecting public officials in Iowa; to point out some defects in these methods; to present some changes that have been proposed or have been put into operation in other States; and to indicate changes that would seem desirable in the methods used in Iowa. The writer bases this paper for the most part upon a more extensive study of the selection of public officials in Iowa which he has recently completed. At the same time these pages contain some new information not included in the larger study.

To Mr. Jacob Van der Zee the writer is indebted for a thorough revision of the manuscript as originally submitted and for the compilation of the table which appears

on pp. 39-48. Indeed, so important was the work of Mr. Van der Zee that the writer freely acknowledges that much of the value of the paper is due to his painstaking work — which amounts practically to joint authorship.

Miss Anne Stuart Duncan, Librarian of the Iowa State Teachers College, was very helpful in looking up material. Valuable suggestions came from discussions with Dr. Frank E. Horack, Dr. Clarence R. Aurner, Mr. O. K. Patton, Mr. E. H. Downey, and Deputy Auditor of State Mr. Joe Byrnes. Dr. Dan E. Clark was always ready with advice and suggestions; and to Dr. Benj. F. Shambaugh special acknowledgment is due for untiring patience and counsel during the preparation of this paper.

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## I

### INTRODUCTION : THE PROBLEM OF SELECTING PUBLIC OFFICIALS

IN order to perform the numerous functions of present-day government a vast army of persons must be selected. In numerous ways and by various State agencies men are appointed to State boards, commissions, inspectorships, and other positions. But the people, to whom all offices belong and for whom all offices exist, still possess the right to select most officials. They choose legislators to enact certain policies into law; they make provision for officials to enforce the law when made, some of these executive officers being elected outright by the people, others being appointed; and they select still another group of State officials to declare what a statute means and apply it to particular cases. But these do not constitute the whole public service: a still larger number of persons must be chosen to carry on the work of government in the local areas such as counties, townships, towns and cities, and school districts.

Thus it has come about that the voter in Iowa faces the difficult task of attempting to decide too much on election day. He staggers under the load placed upon him by the primary and the general election laws of the State. Confronted by a long, cumbersome ballot at the primary elections in June and again at the regular elections in November, he realizes how hopeless it is to vote intelligently either for the candidates who seek the nomi-

nation or for the nominees who seek election. Moreover, the voter's problem of selecting public servants is rendered still more complex by the survival of the Jacksonian principle of rotation in office, which necessitates the frequent selection of officials, and by the impossibility of getting reliable information about all the candidates upon the many different tickets.<sup>1</sup> It is no great wonder, then, that many voters are discouraged and take little interest in the nomination and the election of public officials.

The character of the work performed by all the officials in State and local government emphasizes as nothing else can the importance of care in their selection. It makes a great deal of difference whether or not a food inspector is honest and efficient; corrupt building inspectors may be responsible for the fall of a building with resultant loss of life; a careless or inefficient mine inspector may be responsible for a mine disaster; dishonest medical or dental examiners may permit the unfit to practice; railroad commissioners controlled by the carriers may refuse or neglect to enforce laws directed against the railroads; judges may, on insufficient grounds, nullify progressive legislation; and inefficient or dishonest legislators may enact laws difficult of interpretation, worded so as to favor special interests, or they may even refuse to act at all. Thus it seems of vital importance that provision be made for such methods of selection as will secure public officials who are most efficient and most responsive to the popular will. This, indeed, is the problem involved in the selection of public officials.

## II

### SELECTION OF PUBLIC OFFICIALS IN IOWA

In general the public officials of Iowa are all those public servants who hold offices created by State statutes and the State Constitution. They are to be distinguished from public employees in that the latter hold subordinate appointive positions and work under the supervision of superior officers. Public officials may be classified into three groups according to the method by which they are designated to fill the State and local offices: first, those who are elected by the people; secondly, those who are appointed to office; and thirdly, those who hold office by virtue of the fact that they occupy certain other offices. It is in this order that the writer proposes to consider the methods of selecting State and local officials in Iowa.

#### SELECTION OF STATE OFFICIALS

In Iowa two State-wide elections are now held every two years before the selection of State officials is complete. Instead of the unregulated and unsatisfactory nominating system of party caucuses and conventions, which designated candidates for office previous to 1907, there now exists for the same purpose a State-controlled primary. All candidates for the various legislative and executive offices to be voted on at the general election must comply with the requirements of the State law before they may submit their claims to all the members of their political party at a primary or nominating election

held on the first Monday in June of the even-numbered years. The successful party candidate for an office is determined by a plurality vote — except when no candidate receives thirty-five percent of the votes cast, in which event the statute legalizes nomination by the old-fashioned convention of party delegates. It should be noted, however, that judges are nominated at the same time and place, twice as many as there are vacancies on the bench to fill, by all the voters irrespective of party affiliations.<sup>2</sup>

The members of the State legislature of Iowa have always been elected by the people. The qualifications, methods of selection, and terms of office of Senators and Representatives differ in ways still attributable to the old American belief in the check and balance system. The number of Senators is fixed at fifty to be elected by the people of as many senatorial districts. The number of Representatives is not to exceed one hundred and eight, the people of each of the ninety-nine counties electing one, while the nine most populous counties are entitled to one additional member each.<sup>3</sup>

The Organic Act of the Territory of Iowa provided that the President and the Senate of the United States should appoint the Governor, the Secretary, and the Attorney of the Territory. Department heads such as Auditor, Treasurer, and Superintendent of Public Instruction, for whom there was provision in Territorial legislation, were made appointive by the Governor and the Legislative Council, but when Iowa became a State in 1846 many of these offices were made elective. Although the State Constitution of 1846 did not provide for a Lieutenant-Governor the creation of such an office was favored at the constitutional convention of 1857: pro-

vision for the direct election of this officer was made because he would be called upon to serve as Governor in case of emergency. At the same time there were created the offices of Secretary of State, Auditor of State, Treasurer of State, and Attorney General — all to be elected by the people for two years.<sup>4</sup>

With the development of railroads in the State of Iowa the proper control of these corporations became a serious problem, the solution of which the General Assembly sought in the creation of a board of railroad commissioners. The board was made appointive by the Governor and the Executive Council. The appointive board, however, did not meet with universal approval, and so Governor Larrabee suggested that the commissioners be made elective by the people or appointive by the Governor and the Senate. Thereupon the General Assembly made provision for an elective board of three members for a six-year term.<sup>5</sup>

Until the advent of Andrew Jackson it seems to have been taken for granted that State judges should be appointed. Influenced by Jacksonian theories of government, however, the idea of the popular election of judges grew rapidly in favor. The proper method of choosing judges was one of the debated questions before the constitutional conventions of 1844 and 1846, and ex-Governor Lucas voiced the sentiment of the majority when he declared the best way to be the election of district judges by the people and the appointment of Supreme Court Justices by a joint ballot of the members of the legislature.<sup>6</sup>

The selection of Supreme Court Justices by the General Assembly did not give entire satisfaction. The sentiment for elective judges grew so rapidly that in the

constitutional convention of 1857 scarcely a voice was raised in favor of appointment. As a result the present Constitution provides for the popular election of Justices for a term of six years, and recent legislation provides for their nomination and election on a non-partisan ticket. District judges have remained elective since 1846 — they too are subject to the law passed in 1913 which aims to remove their selection from the field of politics.<sup>7</sup>

The number of public offices has increased very greatly in recent years — a fact largely due to the growth of population and to the desire to let the government regulate social and economic activities. It is for the purpose of enforcing specific State laws that many additional State offices have been created. A majority of these offices are appointive. They are organized in various ways, some being filled by single officials and others by boards or commissions made up of several members. Thus Iowa has been a rich field for experiment in the matter of deciding upon the proper appointing agencies. Indeed, it seems that the State has at one time or another experimented with every possible method of appointment. The drift, however, appears to be towards two methods — appointment by the Governor alone, or by the Governor and the Senate.

The appointment of officials by the Governor and the Executive Council is made on the theory that this method gives the Governor the benefit of expert advice. Very few officials, however, have been selected in this way — at present only the commissioner of the bureau of labor statistics belongs to this class.<sup>8</sup>

Appointment by the General Assembly on the theory that it gives the most direct popular control has usually been restricted to members of investigating commissions



and commissions to locate public buildings or public lands. The only two officers chosen by the General Assembly at present are the State printer and the State binder.<sup>9</sup>

Appointments by the Supreme Court are restricted to those whose duties are directly or indirectly connected with the work of that body, the theory being that the court knows best what men are qualified for such work. The office of clerk of the Supreme Court was appointive from 1838 to 1866 when it became elective. In 1913 Governor Clarke raised the question as to the advisability of returning to the original method of selecting this official, and the General Assembly accordingly made the clerk and the reporter (elective since 1846) appointive by the court for four-year terms.<sup>10</sup>

Under the terms of an act of 1884 to regulate the admission of lawyers to practice in State courts, applicants were examined by the Supreme Court or by a committee of not less than three attorneys appointed by the Supreme Court. Since 1907 this duty has devolved upon a board of law examiners of five members to consist of the Attorney General and four members appointed by the Supreme Court.<sup>11</sup>

The appointment of public officers by the Governor and the Senate is based upon the theory that such a method combines responsibility to the Governor and popular control through the Senate's power to reject or confirm the Governor's nominations. Some recent statutes calling for the selection of officers by the Governor and the Senate provide that the president of the Senate shall name a committee, on which more than one party must be represented, to investigate the nominations of the Governor and to report to the Senate in executive session.

The Senate vote to ratify such nominations must not be taken on the same day on which the committee makes its report.

By virtue of an act of the General Assembly creating the office of custodian of public buildings, this officer is appointed by the Governor and the Senate for a two-year term.<sup>12</sup> Until 1898 the charitable and correctional institutions of Iowa were controlled by separate boards, one for each institution. Charges were made against these boards, alleging mismanagement, jealousy, and a system of competition for State funds. A committee appointed to investigate conditions found that the charges were well-founded and recommended a complete reorganization by abolishing the various boards of trustees and substituting a single board.

Accordingly, the General Assembly in 1898 passed an act which created a board of control of three members to be appointed by the Governor and the Senate for six years, one being chosen at each legislative session. Nominations by the Governor may be considered by the Senate only after investigation by a committee of five Senators named by the president of the Senate without a motion. Of this committee not more than three may be members of the same party. A report is then made to the Senate in executive session where a two-thirds vote is necessary to ratify the Governor's nomination.<sup>13</sup>

In line with the modern theory that "reformation is one of the objects of the administration of the criminal law", the General Assembly in 1907, after receiving various recommendations from Governor Cummins, passed an indeterminate sentence law. To aid the Governor in the enforcement of this act the statute provides for a board of parole whose members are appointed by the Governor and the Senate.<sup>14</sup>

The State educational institutions existed under independent boards until 1909. The legislative committee which investigated all State institutions in 1897 found that the management of the educational institutions had been quite efficient, and so the recommendation was made that these be omitted from the scheme of centralization. Accordingly, when the board of control was created, only an investigation into the financial management of the higher educational institutions was placed under its jurisdiction; but in 1908 the board of control requested to be relieved of this duty, because criticism of the board involved criticism of the Governor and the Superintendent of Public Instruction. In 1909 the General Assembly created the State board of education to have charge of all three higher educational institutions of the State. The board consists of nine members appointed by the Governor and confirmed by a two-thirds vote of the Senate.<sup>15</sup>

In his message to the General Assembly in 1911 Governor Carroll stated that there was considerable demand for a State fire marshal such as had been provided in a number of neighboring States and that he was inclined to favor the creation of the office. The legislature took affirmative action and provided for the appointment of such an officer by the Governor and the Senate for a four-year term.<sup>16</sup>

Supervision of insurance companies in Iowa was at first left to an examiner employed by the Auditor of State. The importance of the work, however, caused the General Assembly in 1913 to create the Insurance Department of Iowa and to provide for a commissioner of insurance. After February 1, 1915, this officer is to be appointed for a four-year term by the Governor with the approval of two-thirds of the Senate.<sup>17</sup> To enforce the

workmen's compensation act of 1913 provision was made for the office of Iowa industrial commissioner to be appointed by the Governor and the Senate for six years.<sup>18</sup>

The constitutional convention of 1857 provided for a board of education to take the place of the Superintendent of Public Instruction. In 1864, however, the General Assembly abolished the board and restored the office of an elective Superintendent. In response to Governor Clarke's recommendation of the short ballot principle the legislature in 1913 passed an act which requires (after 1914) the Governor with the consent of two-thirds of the Senators to name the Superintendent for a term of four years.<sup>19</sup>

The number of officers appointed by the Governor alone has greatly increased in recent years. Selection by the chief executive is based on the theory that it makes the Governor responsible to the people and the appointee responsible to the Governor. Since Territorial days the Governor has been intrusted with power to appoint the adjutant general.<sup>20</sup> Since 1851 notaries public have been commissioned for three-year periods by the Governor.<sup>21</sup> The board of educational examiners, created in 1861, was reorganized in 1882 to consist of the Superintendent of Public Instruction, the president of the State University, the principal of the State Normal School (now president of the State Teachers College), and two members appointed by the Governor.<sup>22</sup>

County inspectors of mines were employed from 1872 to 1880, but were found unsatisfactory by the miners. The General Assembly created the office of State mine inspector and provided for his appointment by the Governor and the Senate. Politics soon played its part in the selection of inspectors — as is often the case with ap-

pointments by the Governor and the Senate. The statute of 1888, devised to place the office on a merit basis, provides for the examination by a board of examiners of those who desire appointment as mine inspectors. Persons who, in the judgment of the board, possess the required qualifications are granted certificates of competency, and the Governor may appoint as inspectors any three persons who hold such certificates.<sup>23</sup>

To protect the people from incompetent pharmacists the General Assembly in 1880 created three commissioners of pharmacy to examine and issue certificates to qualified practitioners. The board, at first appointed by the Governor and the Executive Council, is now selected by the Governor alone.<sup>24</sup>

To provide for the better education of dentists the General Assembly in 1882 created a board of dental examiners to examine those who wish to practice dentistry in the State. These examiners are appointed by the Governor for a five-year term. According to an act of 1900 the Iowa State Dental Society is required to submit to the Governor a list of names of dentists of recognized ability from whom he may make his selection.<sup>25</sup>

In 1884 the General Assembly created the office of State inspector of oils. The original law, providing for the appointment of an inspector by the Governor and the Senate, was later modified to give the Governor the sole power of appointment. The Governor may fix the number of inspectors not to exceed fourteen. The General Assembly of 1884 also provided for the appointment of a State veterinary surgeon by the Governor for a three-year term.<sup>26</sup> To secure greater safety for passengers on boats the General Assembly has since 1888 required the Governor to appoint such competent and suit-

able persons as State inspectors of boats as he thinks necessary.<sup>27</sup>

It was at the suggestion of Governor Larrabee in 1890 that the General Assembly reorganized the office of the Iowa weather service as the weather and crop service and placed it under the supervision of the board of directors of the State Agricultural Society. The central station is located at Des Moines and is placed in charge of a director of weather and crop service appointed for two years by the Governor upon recommendation of the board of directors of the State Agricultural Society.<sup>28</sup>

Legislation for the protection of fish dates back to 1874. In that year the General Assembly enacted a law requiring the Governor to appoint three competent persons as State fish commissioners. The office was abolished in 1897, and a fish and game warden is now appointed by the Governor for a three-year term.<sup>29</sup>

The use of voting machines was authorized in 1900 by legislation which also requires the Governor to appoint a board of voting machine commissioners. In the same year a State library commission was created to promote the establishment and efficiency of free public libraries as well as of public school libraries. The commission consists of the State librarian, the Superintendent of Public Instruction, the president of the State University, and four members appointed by the Governor.<sup>30</sup>

When the attention of the General Assembly was called to the desirability of legislation to prevent adulterations of dairy products, a law was enacted in 1886 requiring the Governor and the Executive Council to appoint a State dairy commissioner for a two-year term. The law has since been amended to give the Governor

alone the power of appointment, and the officer's title has been changed to State dairy and food commissioner.<sup>31</sup>

The General Assembly in 1909 created the office of inspector of bees and authorized the Governor to appoint a competent incumbent. In the same year was established a board of optometry examiners, the Governor appointing as members of the board three optometrists and one physician member of the State board of health. These with the secretary of the State board of health make up the board.<sup>32</sup>

In 1911 the General Assembly provided for a commission of animal health consisting of the State veterinary surgeon as ex officio member and executive officer, two veterinarians, and two stock-raisers — all four to be appointed by the Governor. The veterinarians are chosen for three, the others for two years.<sup>33</sup>

The General Assembly of 1913 reorganized the State highway commission so that it now consists of the dean of engineering at the State College of Agriculture and Mechanic Arts as ex officio member and two persons appointed by the Governor to serve for four years.<sup>34</sup>

It was Governor Robert Lucas who first recommended that provision be made for a librarian for the Territory of Iowa. The act of 1840 provided for the appointment of a librarian by the Governor and the Legislative Council, but later various methods were resorted to for filling the office.<sup>35</sup> In 1900 the General Assembly gave the board of library trustees power to appoint the State librarian for a six-year term.<sup>36</sup>

The State Agricultural Society, which was recognized by law in 1855, was abolished in 1900 and the State Department of Agriculture created in its stead. This department is under the supervision of the State board

of agriculture whose president and vice president and eleven appointive members are selected, one for each congressional district, by an agricultural convention. The ex officio members of the board are the Governor, the president of the State College of Agriculture and Mechanic Arts, the State dairy and food commissioner, the State veterinary surgeon, and finally, a secretary and treasurer appointed by the board for one year.<sup>37</sup>

The office of State geologist created in 1855 was made appointive by the Governor with the approval of the Senate, but in 1892 a geological board was established and given the power to select the State geologist.<sup>38</sup> Members of the State Historical Society, which was organized in 1857, were at first permitted to select their own officers, but in 1872 the General Assembly brought the society under more direct State supervision by creating a board of curators nine of whom are appointed by the Governor, while nine are selected by the members of the society from among their own number at the annual meeting held in Iowa City.<sup>39</sup>

A State board of health was created in 1880 to consist of the Attorney General and eight members appointed by the Governor and the Executive Council. In 1911 Governor Carroll pointed out the necessity of reorganization, recommending that all boards of health be brought closer together under the supervision of one head. The legislature accordingly passed a law providing that the Governor, the Secretary of State, and the Auditor of State should henceforth select the five members of the board of health and the secretary of the board.<sup>40</sup>

An act was passed in 1892 to promote an historical collection at the capital, providing for a curator to be appointed by the trustees of the State Library. The



statute of 1900 which created the board of library trustees to take charge of the affairs of the State Library and Historical Department, continued the office under the title of curator of the museum and art gallery and made the curator appointive by the board.<sup>41</sup>

Politics and efficiency are not often team-mates. It was the realization of this fact which led the General Assembly in 1888 to modify the method of selecting mine inspectors. According to this act the Executive Council is required to appoint a board of examiners to examine applicants for the position of mine inspector. As amended in 1902 and 1904 the examining board consists of two practical miners and two operators, all of whom are required to hold certificates of competency as mine foremen, and a fifth member who is to be a mining engineer.<sup>42</sup>

The General Assembly in 1907 provided for a committee to examine embalmers. This committee is made up of the secretary of the State board of health and four members selected by the State board of health at its annual meeting. Of the appointive members two are physician members of the board and two must be licensed embalmers. Provision was also made for an examining committee for nurses. The State board of health at its annual meeting is required to select for this purpose two physicians from its own number and two graduate nurses actively engaged in the practice of nursing. These four with the secretary of the board of health make up the committee for the year.<sup>43</sup>

It was at the instance of the commercial bodies of the State that the office of commerce counsel was established by the General Assembly in 1911. The board of railroad commissioners with the approval of two-thirds of the Senate in executive session appoints this officer for a four-year term.<sup>44</sup>

Governor Clarke in 1913 recommended the creation of the office of county manager. Although the Governor's recommendation was not followed, the General Assembly did create the office of State examiner for counties. The Auditor of State, according to the act, appoints not less than four nor more than eight examiners who must be "suitable persons of recognized skill, familiar with the system of accounting used in county offices, and versed in the laws relating to county affairs."<sup>45</sup>

The last of the State officials to be considered are the *ex officio* officers. There are several reasons why one is assigned to an office merely because he holds some other office. The functions of the two offices may be of a similar nature; economy may be desired; or, what amounts to almost the same thing, a poorly paid officer may in this way be given extra remuneration. An officer may be made an *ex officio* member of a board or commission in order that deliberation of numbers or coöperation and counsel on the part of men whose duties are similar may be secured. Again, such designation is made at times to confer an honor upon the officer.

In 1848 the General Assembly created a State board of canvassers to consist of the Governor, Secretary of State, Auditor of State, and Treasurer of State — the latter being omitted after 1851. The census board established in 1851, consisting of the Governor, Secretary of State, Auditor, and Treasurer, also acted as the State board of equalization of taxes. In 1873 the duties of these three boards were turned over to a body styled the Executive Council, its personnel remaining the same as that of the census board.<sup>46</sup>

The legislature in the extra session of 1862 required the Governor to appoint three medical examiners, one of

whom was to be the professor of surgery in the medical department of the State University of Iowa. Later the board of medical examiners was reorganized so that its members became the seven physicians and the secretary of the State board of health. A law of 1897, however, removed the secretary from the board.<sup>47</sup>

The General Assembly of 1870 took the management of the State Library out of the hands of the Governor and made the Judges of the Supreme Court the commissioners of the State Library. In 1872 the legislature reorganized the commission, called it the board of trustees of the State Library, and in 1892 made it also a board of trustees of the Historical Department. A law of 1900 abolished the two boards and established instead the board of library trustees, the members being the Judges of the Supreme Court, the Governor, the Secretary of State, and the Superintendent of Public Instruction.<sup>48</sup>

The geological survey of Iowa was reorganized by legislative action in 1892 and a geological board was provided to consist of the Governor, the State Auditor, and the presidents of the Agricultural College, the State University, and the Iowa Academy of Sciences. Six years later the General Assembly made the entomologist of the State experiment station *ex officio* State entomologist.<sup>49</sup>

“For the complete and proper registration of births and deaths for legal, sanitary, and statistical purposes” a legislative act of 1904 created the office of State registrar of vital statistics. The State board of health became *ex officio* State registrar of vital statistics, but the secretary of the board has acted in this capacity since the law of 1907.<sup>50</sup>

An act to encourage the planting of forest and fruit

trees in Iowa passed in 1906 made the secretary of the Iowa State Horticultural Society the State forestry commissioner to promote the objects of the law. Finally, the General Assembly passed an act in 1909 requiring the civil engineer of the State board of health as ex officio inspector of hotels to supervise and protect the public health in hotels throughout the State.<sup>51</sup>

#### SELECTION OF COUNTY OFFICIALS

Counties were first organized in the Iowa country in 1834. On the 6th of September of that year Governor Stevens T. Mason of the Territory of Michigan approved an act to "lay off and organize counties west of the Mississippi River". The counties created by the law were Dubuque and Demoiné. On the day when the statute was approved, the Governor with the consent of the Legislative Council also appointed certain officers for the county of Dubuque; but it was not until December 26th of the same year that officers were selected for Demoiné County.<sup>52</sup>

In Territorial Iowa the administrative board of the county was a body of three commissioners elected at large. In 1851 the office of county judge was substituted; but when the county judge failed to give satisfaction, especially in the newer counties, the General Assembly in 1860 dropped this highly centralized system of county administration in favor of the extremely decentralized system represented by a board of supervisors consisting of one member from each township with an additional member for every 4000 population. When the new plan also did not give the expected satisfaction, the General Assembly returned to the commissioner system, retaining the name of the board of supervisors. The act of 1870

provided for a board of three members elected by the voters of the county, while later acts permit a five or seven member board if the people of a county so decide, the members being elected by districts or by the county at large.<sup>53</sup>

The method of selecting the local prosecuting officer has been experimental. The appointment of a district attorney in each judicial district by the Territorial Governor and the Legislative Council was followed by the appointment of a prosecuting attorney for each of twenty districts. Then the Constitution of 1846 made him an elective county officer. Dissatisfied with the prosecuting attorney as a county officer, the people, especially in the western counties, represented in the constitutional convention of 1857 secured his election as a district officer. This plan also proved a failure. Finally, in 1884 the Constitution was amended so as to provide once more for an elective county attorney.<sup>54</sup>

The office of county auditor was created in 1868. Previous to that time the functions of the auditor as secretary to the board of supervisors had been performed by a clerk (at first appointed by the board and then elected by the people) and later by the clerk of the district court. In his report to the Twelfth General Assembly in 1867, however, the Auditor of State pointed out the need of creating the office of auditor for the more populous counties, since the *ex officio* clerk found it impossible to attend to the duties of two offices. The legislature in 1868 provided for an auditor to be elected for two years in each organized county. However, the county recorder or the clerk of the district court may also hold the office of county auditor.<sup>55</sup>

Other county officers have given rise to little discus-

sion in constitutional conventions or meetings of the legislature. The clerk of the district court appointed by the Supreme Court in Territorial Iowa became elective after 1846 and similar provision was made for the office of coroner.<sup>56</sup> The offices of recorder and treasurer, beginning in Territorial days, are now elective also for a two-year term, and may be held by the same person when the population of a county does not exceed 10,000. The county sheriff, at first appointed by the Governor and the Council, has since 1840 been elective. In counties which vote to establish and maintain public hospitals, in accordance with a statute of 1909, a board of seven trustees is elected for six years.<sup>57</sup>

Appointive officers are not numerous in counties at the present time. The oldest officers of this type are an inspector of lumber and shingles, appointed by the board of supervisors, if such an officer is considered necessary; a county sealer of weights and measures, similarly appointed if the board decides to secure standards of weights and measures from the State superintendent of weights and measures; and a county sheep inspector selected by the supervisors when notified in writing by five or more sheep owners that scab or other contagious diseases exist in the county. Commissions of insanity were provided for in 1870, two members being appointed by the district court, while the third member is the clerk of the district court. In counties where the district court is held in two places, two commissions are appointed and the district clerk's deputy may also act as a commissioner.<sup>58</sup>

An official known as the county surveyor was elected by the people until recently. Although the act providing for his office seems not to have been distinctly repealed

by the General Assembly, his duties have since 1913 been performed by the county engineer, the appointment of whom is mandatory upon the board of supervisors. The county superintendent of schools also was elected by the people until 1913 when the Thirty-fifth General Assembly made the office appointive by a convention made up of the presidents of the school boards of the various school districts. If the president of a school board is unable to attend, some other member of the board may be selected by the board in his place, each representative having a vote. By a majority the convention may select a committee of five to investigate the qualifications of candidates and report to the convention. By a three-fourths vote the convention may even delegate to the committee its power to appoint a superintendent. Besides fixing the term of the superintendent at three years, the law establishes certain requirements as to experience and certification.<sup>59</sup>

There are a few *ex officio* county officials in Iowa. The board of supervisors acts as a county board of canvassers and as a county board of review. To afford a means for the introduction of county uniformity in text-books, the General Assembly in 1890 created the county board of education, consisting of the county superintendent of schools, the county auditor, and the board of supervisors. Finally, a statute passed in 1897 designates the clerk of the district court and the county attorney as inspectors of jails.<sup>60</sup>

#### SELECTION OF TOWNSHIP OFFICIALS

Since the early years of the Territory of Iowa the chief governmental authority in the township has been the board of trustees of three members. During early statehood the county sheriff was *ex officio* assessor, but

at present the assessor is a township officer. If the township contains an incorporated town or city one assessor is chosen for the municipality and another for the rural section of the township. Other elective township officers are the township clerk, two constables, and two justices of the peace — all elected for two years.<sup>61</sup>

There are also certain ex officio township officials. In townships undivided for election purposes, the trustees serve as election judges: otherwise each trustee serves in the election precinct in which he resides and additional judges are appointed by the board of supervisors. In undivided townships, the board of supervisors decides by ballot which two of the trustees are to serve as election judges when all three are members of the same party. The third judge is then selected by the supervisors from the unrepresented party which polls the largest or next largest vote at the preceding general election.

Two election clerks are also considered as members of the board of elections, the township clerk being ex officio election clerk for the precinct in which he lives, while other election clerks are appointed by the board of supervisors. The judges of election constitute the township board of canvassers in townships which form a single election precinct; otherwise the trustees and the clerk serve as a board of canvassers.<sup>62</sup> By an act of 1845 the trustees serve as overseers of the poor for the township and as fence viewers; by a law of 1866 they act as a township board of health; and by a law passed four years later they are designated a township board of equalization.<sup>63</sup>

#### SELECTION OF SCHOOL OFFICIALS

From the time the Iowa country was attached to Michigan in 1834 down to 1858 the independent district of



uncertain area was the unit of school administration under a board of three or more members. Dissatisfied with this school system the Seventh General Assembly in 1858 established the civil township as the school district and continued the former independent districts as sub-districts of the school township, retaining, however, the town or city independent districts. By later legislation, the independent district is permitted as an optional organization also in the rural districts.<sup>64</sup>

Despite frequent changes in the school laws of Iowa, the governing body of the school district has always been a board of several members. In accordance with the law of 1897, voters in each sub-district of the school township elect a sub-director to the township board of directors. A township which is not divided into sub-districts elects a board of three directors at large. The law of 1898 calls for the election of an additional director at large in townships with an even number of districts.<sup>65</sup>

The organization and selection of the school board in independent districts has also been subjected to many changes. The law at present calls for the election by ballot of directors to hold office for three years. Municipalities or unincorporated towns and villages have boards consisting of five or seven members, while rural districts elect boards of three or five members. In independent districts made up in whole or in part of cities or incorporated towns, the treasurer is elected for a one-year term.<sup>66</sup> By an act of 1858 authorizing the establishment of county high schools, provision was made for an elective board of trustees of six members who with the county superintendent should control the high school. In the only county where such a school exists the trustees are chosen for four years.<sup>67</sup>

The only appointive school officers are the secretary and the treasurer; both are selected in school townships by the board of directors, but in independent districts the secretary alone is thus chosen; while in independent districts made up in whole or in part of cities or incorporated towns, the treasurer is elected.<sup>68</sup>

The judges of school elections are the only local ex officio school officers. By the law of 1870 the president, secretary, and one of the directors act as election judges in independent districts, but by a later statute providing for the division of such districts into election precincts when they have a population of more than 5000, the board of directors designates as members of the election board one of its own members and two electors of the district, one of the latter to act as clerk.<sup>69</sup>

#### SELECTION OF MUNICIPAL OFFICIALS

Since 1857 the General Assembly has classified cities and towns according to population so as to meet somewhat the needs of the various communities. In incorporated towns the council consists of five members elected at large. In cities a different rule obtains. That the needs of the various sections of a city may be better known to the council, that the feeling of responsibility and the idea of representation may be brought more directly home to both councilmen and electors, and that the candidates may be better known to the voters, it is required that cities of the first and second class be divided into wards and a councilman elected from each ward; and to secure councilmen who will consider the interests of the city as a whole rather than merely those of any particular ward, provision is also made for the election of two councilmen at large. Other elective officers are the

mayor, the assessor, and the treasurer. Cities of the first class also elect an auditor, a city engineer, a solicitor, and, if there is no Superior Court, a police judge.

There are several offices and commissions which certain cities may or must have. Cities with a population of 5000 or more may by popular vote provide for a Superior Court, and elect a superior judge for four years. Cities of the same population may also vote to build a city hospital, and thereafter elect three hospital trustees. Three park commissioners must be elected in municipalities with a population of 40,000 or more, and they may be elected in cities or towns with a smaller population. Finally, cities of the first class and special charter cities with a population of less than 25,000 may elect a river front improvement commission.<sup>70</sup>

The tendency in towns and cities during recent years has been to make the mayor the appointing officer. A board of public works of two members must be appointed by the mayor in cities which have a population of 50,000 or more and may be so selected in cities of from 30,000 to 50,000. The mayor of a city of the first class which owns a water system is required to appoint a board of three trustees of water-works. The mayor also appoints a health physician, a street commissioner, and a marshal in cities and towns, but if such a city has a board of public works the board appoints the street commissioner. In cities of the first class he may appoint a wharf-master when he thinks it necessary. Moreover, a city or town council may by ordinance require that the mayor appoint "such additional officers, including superintendent of markets, harbor-masters, and port wardens usual and proper for the regulation and control of navigation, trade or commerce, or needful and proper for the good

government of the city or town, or the due exercise of its corporate powers.''<sup>71</sup>

A number of appointments are also made by the mayor and the council as, for instance, a board of library trustees of nine members and in cities with a population of more than 20,000 a board of police and fire commissioners of three members. Municipalities may also decide to have a commission of public docks of three members appointed in the same way for three years. The council alone appoints the clerk in cities and towns and a solicitor in cities of the second class.<sup>72</sup> In cities with a population of 3,500 or more, exclusive of inmates of State institutions located there, the council is required to appoint a registry board from the two political parties which polled the largest vote, two registrars being selected for each election precinct. In unincorporated villages with a like population the board of supervisors appoints a board of registry.<sup>73</sup>

By the law of 1892 the councilmen of towns and cities serve as election judges. If more than two of the councilmen belong to the same party and live in the same ward, the county supervisors designate who shall act as election officials. For the general election the board of supervisors completes the election boards; and for municipal elections the city council so acts. By the law of 1897 the mayor and the clerk of a town or city divided into election precincts act as a board of canvassers. In undivided towns or cities the election judges so serve. Mayor and councilmen constitute the local board of health, and the city clerk is *ex officio* clerk to the board. The law of 1897 also designates the council as a municipal board of review. The statute which provides for a Superior Court requires the superior judge to act as his own clerk, but if

necessary the city recorder or clerk may be directed to serve as clerk to the court.<sup>74</sup>

It was at the instance of the city of Des Moines that the General Assembly in 1907 permitted cities of a certain population to discard their old form of government in favor of the commission plan. In the eight cities which have since organized under this plan the voters by means of a primary and an election select a commission consisting of a mayor and four councilmen (a mayor and two councilmen in cities with a population between 2000 and 25,000) to take charge of the city government. They are elected at large on a non-partisan ticket for a two-year term.

The commission or council is required to appoint by majority vote a board of library trustees, city clerk, solicitor, assessor, treasurer, auditor, civil engineer, city physician, marshal, market master, street master, street commissioner "and such other officers and assistants as shall be provided for by ordinance and necessary to the proper and efficient conduct of the affairs of the city." In cities of less than 25,000, however, the commission may exercise its own judgment as to which of the above mentioned officers are needed. In cities with a population of 15,000 or more the council must appoint a police judge if there be no Superior Court. In cities of 25,000 or more the council must appoint three civil service commissioners, while in cities of less population the council may either serve as an examining board or appoint a civil service commission.

The civil service commission, or the council when it acts in such capacity, conducts examinations to determine the qualifications of applicants for certain positions, and then certifies the names of the ten persons who stand

highest. Vacancies in the city service are then filled from these lists unless there are fewer than three names for a division or department to select from. In such instances, the superintendent of the department concerned may make a temporary appointment until the next civil service examination. Preference is given to honorably discharged soldiers, sailors, or marines of the regular or volunteer army or navy of the United States if otherwise qualified.

Officers or employees of the city who come under the merit system are those not enumerated above as elective or appointive officers and also "commissioners of any kind (laborers whose occupations require no special skill or fitness), election officials, and mayor's secretary and assistant solicitor, where such officers are appointed". Certain exceptions are made, however, aside from the general rule. Officers or employees chosen before the act went into effect, those serving under a previous civil service law, or those exempted for long service are not to be subjected to examinations.<sup>75</sup>

## TABLE OF PUBLIC OFFICIALS IN IOWA

[The following table contains data concerning the term of office, method of selection, and method of removal of the principal State officials and all of the county, township, school, and municipal officials in Iowa. It will be noticed that the table does not contain mention of all of the positions connected with the administration of State government. In fact, in the different State offices, boards, and commissions there may be found a number of subordinate positions which are of more administrative importance than some offices which are practically independent; but of these subordinate positions only a few have been listed in the table.

It should be observed that this table has a close connection not only with this paper on the *Selection of Public Officials in Iowa*, but also with the papers on the *Reorganization of State Government in Iowa*, the *Merit System in Iowa*, and the *Removal of Public Officials in Iowa* — all of which appear in this series.

The table was compiled by Mr. Jacob Van der Zee; but much of the data on the removal of public officials was furnished by Mr. O. K. Patton.—EDITOR.]

STATE OFFICIALS			
NAME OF OFFICIAL	TERM OF OFFICE	MANNER OF SELECTION	MANNER OF REMOVAL
Governor	Two Years	Elected by the people	By impeachment
Lieutenant Governor	Two Years	Elected by the people	By impeachment
Senators	Four Years	Elected by the people	By a two-thirds vote of the Senate
Representatives	Two Years	Elected by the people	By a two-thirds vote of the House
Secretary of State	Two Years	Elected by the people	By impeachment
Auditor of State	Two Years	Elected by the people	By impeachment
Treasurer of State	Two Years	Elected by the people	By impeachment
Attorney General	Two Years	Elected by the people	By impeachment
Railroad Commissioners	Four Years	Elected by the people	
Supreme Court Judges	Six Years	Elected by the people	By impeachment
District Court Judges	Four Years	Elected by the people	By impeachment

TABLE OF PUBLIC OFFICIALS IN IOWA — *Continued*

NAME OF OFFICIAL	TERM OF OFFICE	MANNER OF SELECTION	MANNER OF REMOVAL
Adjutant General	At pleasure of Governor	Appointed by the Governor	By the Governor
State Veterinary Surgeon	Three Years	Appointed by the Governor	By the Executive Council for cause
Fish and Game Warden	Three Years	Appointed by the Governor	By the Executive Council for cause
State Dairy and Food Commissioner	Two Years	Appointed by the Governor	By the Executive Council for cause
Director of Weather and Crop Service	Two Years	Appointed by the Governor on recommendation of State Board of Agriculture	By the Executive Council for cause
State Mine Inspectors	Six Years	Appointed by the Governor	By the Governor for cause upon findings by the Board of Examiners of Mine Inspectors
State Inspectors of Oils	Two Years	Appointed by the Governor	By the Executive Council for cause
Inspector of Bees	Two Years	Appointed by the Governor	
State Inspectors of Boats	Two Years	Appointed by the Governor	By the Executive Council for cause
Commissioners for Iowa in Other States	Three Years or at pleasure of Governor	Appointed by the Governor	By the Governor
Notaries Public	Three Years	Appointed by the Governor	By the Governor
Commissioners of Pharmacy	Three Years	Appointed by the Governor	By the Executive Council for cause
State Highway Commission	Four Years	Two members appointed by the Governor and one ex officio	By the Executive Council for cause
Commission of Animal Health	Three Years for veterinarians; two years for stock-raisers	One member ex officio, and four members appointed by the Governor	By the Executive Council for cause(?) <sup>1</sup>
Library Commission	Five Years	Four members appointed by the Governor and three ex officio members	Appointed members removable by the Executive Council for cause



TABLE OF PUBLIC OFFICIALS IN IOWA — *Continued*

NAME OF OFFICIAL	TERM OF OFFICE	MANNER OF SELECTION	MANNER OF REMOVAL
Board of Educational Examiners	Four Years	Three ex officio members and two members appointed by the Governor	By the Executive Council for cause
Board of Dental Examiners	Five Years	Appointed by the Governor	By the Executive Council for cause
Board of Optometry Examiners	One Year	Three members appointed by the Governor on recommendation of Iowa State Association of Optometrists, and two ex officio members	By the Executive Council for cause
Board of Voting Machine Commissioners	Five Years	Appointed by the Governor	By the Governor
State Printer	Two Years	Elected by the General Assembly	
State Binder	Two Years	Elected by the General Assembly	
Reporter of the Supreme Court	Four Years	Appointed by the Supreme Court	
Clerk of the Supreme Court	Four Years	Appointed by the Supreme Court	
Board of Law Examiners	Two Years	Four members appointed by the Supreme Court, and one ex officio member	
Superintendent of Public Instruction	Four Years	Appointed by the Governor with consent of Senate	
Commissioner of Insurance	Four Years	Appointed by the Governor with consent of Senate	By the district court for cause <sup>2</sup>
Iowa Industrial Commissioner	Six Years	Appointed by the Governor with consent of Senate	By the Governor upon the order of the Executive Council for cause
Custodian of Public Buildings	Two Years	Appointed by the Governor with consent of Senate	By the Executive Council for cause

TABLE OF PUBLIC OFFICIALS IN IOWA — *Continued*

NAME OF OFFICIAL	TERM OF OFFICE	MANNER OF SELECTION	MANNER OF REMOVAL
State Fire Marshal	Four Years	Appointed by the Governor with consent of Senate	By the Governor for cause
Board of Control of State Institutions	Six Years	Appointed by the Governor with consent of Senate	By the Governor with the consent of the Senate for cause
Board of Education	Six Years	Appointed by the Governor with consent of Senate	By the Governor with the consent of the Senate for cause
Board of Parole	Six Years	Appointed by the Governor with consent of Senate	By the Executive Council for cause
Commissioner of Bureau of Labor Statistics	Two Years	Appointed by the Governor and the Executive Council	By the Governor with advice of Executive Council for cause
State Librarian	Six Years	Elected by Board of Library Trustees	By a two-thirds vote of the Board of Library Trustees for cause
Curator of the Museum and Art Gallery	Six Years	Elected by Board of Library Trustees	By a two-thirds vote of the Board of Library Trustees for cause
State Geologist	At pleasure of Geological Board	Appointed by Geological Board	By the Geological Board
Examiner of Municipal Accounts		Appointed by Auditor of State	
Commerce Counsel	Four Years	Appointed by Board of Railroad Commissioners, confirmed by Senate	By the Board of Railroad Commissioners by and with the consent of the Senate, for cause
Secretary of State Board of Health	Five Years	Appointed by Governor, Secretary of State, and Auditor of State	
State Examiners for Counties	Four Years	Appointed by Auditor of State	By the Auditor of State for cause
Bank Examiners	At pleasure of Auditor of State	Appointed by Auditor of State	By the Auditor of State

TABLE OF PUBLIC OFFICIALS IN IOWA — *Continued*

NAME OF OFFICIAL	TERM OF OFFICE	MANNER OF SELECTION	MANNER OF REMOVAL
Factory Inspectors		By the Commissioner of Bureau of Labor Statistics	
Examining Committee for Embalmers	One Year	Appointed by the State Board of Health	
Examining Committee for Nurses	One Year	Appointed by the State Board of Health	
State Board of Agriculture	One Year for officers and two years for district directors	Four ex officio members and thirteen members elected at an agricultural convention provided by law	
Board of Curators of the State Historical Society	Two Years	Nine members appointed by Governor and nine elected by members of Society	By the Executive Council for cause
State Board of Health	Five Years	Appointed by Governor, Secretary of State, and Auditor of State	By the Governor for cause
Board of Examiners of Mine Inspectors, etc.	Two Years	Appointed by the Executive Council	By the Executive Council for cause
Hotel Inspector	Seven Years	Ex officio	
State Entomologist		Ex officio	
State Register of Vital Statistics		Ex officio	
State Forestry Commissioner		Ex officio	
Executive Council		Ex officio	
Board of Medical Examiners		Ex officio	
Board of Library Trustees		Ex officio	
Geological Board		Ex officio	

<sup>1</sup> The State Board of Veterinary Medical Examiners which this commission displaces was removable by the Executive Council.

<sup>2</sup> *Laws of Iowa*, 1909, p. 72; 1913, p. 152.

TABLE OF PUBLIC OFFICIALS IN IOWA — *Continued*

COUNTY OFFICIALS			
NAME OF OFFICIAL	TERM OF OFFICE	MANNER OF SELECTION	MANNER OF REMOVAL
Board of Supervisors	Three Years	Elected by the people	By the district court or judge for cause; <sup>1</sup> by the district court for cause upon charges made in writing and trial thereunder <sup>2</sup>
Attorney	Two Years	Elected by the people	By the district court or judge for cause; <sup>1</sup> by the district court for cause upon charges made in writing and trial thereunder
Auditor	Two Years	Elected by the people	By the district court for cause upon charges made in writing and trial thereunder
Treasurer	Two Years	Elected by the people	By the district court or judge for cause; <sup>1</sup> by the district court for cause upon charges made in writing and trial thereunder
Clerk of the District Court	Two Years	Elected by the people	By the district court for cause upon charges made in writing and trial thereunder
Recorder	Two Years	Elected by the people	By the district court for cause upon charges made in writing and trial thereunder
Sheriff	Two Years	Elected by the people	By the district court or judge for cause; by any magistrate for cause; <sup>3</sup> by the district court for cause upon charges made in writing and trial thereunder
Coroner	Two Years	Elected by the people	By the district court for cause upon charges made in writing and trial thereunder
Engineer	At pleasure of Board of Supervisors	Appointed by Board of Supervisors	By Board of Supervisors or State Highway Commission; by the district court for cause upon charges made in writing and trial thereunder
Superintendent of Schools	Three Years	Elected by convention of presidents of school boards in county	By the district court for cause upon charges made in writing and trial thereunder

TABLE OF PUBLIC OFFICIALS IN IOWA — *Continued*

NAME OF OFFICIAL	TERM OF OFFICE	MANNER OF SELECTION	MANNER OF REMOVAL
Board of Trustees of County Hospital	Six Years	Elected by the people	By the district court for cause upon charges made in writing and trial thereunder
Board of Trustees of County High School <sup>4</sup>	Four Years	Elected by the people and one member ex officio	By the district court for cause upon charges made in writing and trial thereunder
Inspector of Lumber and Shingles	During pleasure of Board of Supervisors	Appointed by Board of Supervisors	By the Board of Supervisors; by the district court for cause upon charges in writing and trial thereunder
Sealer of Weights and Measures	During pleasure of Board of Supervisors	Appointed by Board of Supervisors	By the Board of Supervisors; by the district court for cause upon charges in writing and trial thereunder
Sheep Inspector	Two Years	Appointed by Board of Supervisors	By the district court for cause upon charges in writing and trial thereunder
Commission of Insanity	Two Years	Two members appointed by District Court and one member ex officio	
Board of Canvassers	Two Years	Ex officio	
Board of Review	Two Years	Ex officio	
Board of Education	Two Years	Ex officio	
Inspectors of Jails	Two Years	Ex officio	
<sup>1</sup> <i>Code of 1897</i> , Section 2446; <i>Laws of Iowa</i> , 1909, Chapter 78, 1911, p. 43. <sup>2</sup> All county officers, elected or appointed, may be removed for cause by the district court upon charges made in writing and trial thereunder.— <i>Code of 1897</i> , p. 443. <sup>3</sup> <i>Code of 1897</i> , Section 2428. <sup>4</sup> In Guthrie County.			
TOWNSHIP OFFICIALS			
NAME OF OFFICIAL	TERM OF OFFICE	MANNER OF SELECTION	MANNER OF REMOVAL
Board of Trustees	Two Years	Elected by the people	By the district court for cause upon charges made in writing and trial thereunder <sup>1</sup>

TABLE OF PUBLIC OFFICIALS IN IOWA — *Continued*

NAME OF OFFICIAL	TERM OF OFFICE	MANNER OF SELECTION	MANNER OF REMOVAL
Assessor	Two Years	Elected by the people	By the district court for cause upon charges made in writing and trial thereunder; by the district court or any judge for cause <sup>2</sup>
Clerk	Two Years	Elected by the people	By the district court for cause upon charges made in writing and trial thereunder
Constables	Two Years	Elected by the people	By the district court for cause upon charges made in writing and trial thereunder; by the district court or judge for cause; <sup>3</sup> also by any magistrate for cause <sup>4</sup>
Justices of the Peace	Two Years	Elected by the people	By the district court for cause upon charges made in writing and trial thereunder
Judges of Election		Ex officio and appointed by Board of Supervisors	
Board of Canvassers		Ex officio	
Overseers of Poor		Ex officio	
Fence Viewers		Ex officio	
Board of Equalization		Ex officio	
<sup>1</sup> Code of 1897, p. 443. <sup>2</sup> Code of 1897, Section 2446. <sup>3</sup> Laws of Iowa, 1909, Chapter 78. <sup>4</sup> Code of 1897, Section 2428.			
SCHOOL OFFICIALS			
NAME OF OFFICIAL	TERM OF OFFICE	MANNER OF SELECTION	MANNER OF REMOVAL
Treasurer	One Year	Elected by the people in certain independent districts—otherwise appointed by board of directors	

TABLE OF PUBLIC OFFICIALS IN IOWA — *Continued*

NAME OF OFFICIAL	TERM OF OFFICE	MANNER OF SELECTION	MANNER OF REMOVAL
Secretary	One Year	Appointed by board of directors	
Board of Directors	One Year	Elected by the people	
Judges of School Elections		Ex officio, and in some cases judges appointed by board of directors	
MUNICIPAL OFFICIALS			
NAME OF OFFICIAL	TERM OF OFFICE	MANNER OF SELECTION	MANNER OF REMOVAL
Mayor	Two Years	Elected by the people	All municipal officers, appointed or elected, may be removed for cause by the district court upon charges made in writing and trial thereunder, or by the council for cause; while all appointed officers may be removed by the appointing agency for cause. See <i>Code of 1897</i> , Sections 1251, 1253, 2428, 2446; <i>Code Supplement of 1907</i> , pp. 114, 217; <i>Laws of Iowa</i> , 1909, Chapter 78.  Mayor and councilmen may be removed by the recall in commission-governed cities; mayor, police officer, or marshal by the district court or judge; police officer or marshal also by a magistrate after trial; assessor by the district court or any judge after trial.  Any officer or assistant elected or appointed by the Council in commission-governed cities may be removed at any time by a majority vote of the Council, except as otherwise provided.— <i>Laws of Iowa</i> , 1909, p. 57.
Councilmen	Two Years	Elected by the people	
Assessor	Two Years	Elected by the people <sup>2</sup>	
Treasurer	Two Years	Elected by the people <sup>2</sup>	
Auditor <sup>1</sup>	Two Years	Elected by the people <sup>2</sup>	
Engineer <sup>1</sup>	Two Years	Elected by the people <sup>2</sup>	
Solicitor	Two Years	Elected by the people <sup>2</sup>	
Police Judge <sup>1</sup>	Two Years	Elected by the people <sup>2</sup>	
Judge of Superior Court <sup>1</sup>	Four Years	Elected by the people	
Hospital Trustees <sup>1</sup>	Six Years	Elected by the people <sup>2</sup>	
Park Commissioners <sup>1</sup>	Six Years	Elected by the people <sup>2</sup>	
River Front Improvement Commission <sup>1</sup>	Six Years	Elected by the people <sup>2</sup>	
Board of Public Works <sup>1</sup>	Three Years	Appointed by mayor	
Board of Water Works Trustees <sup>1</sup>	Six Years	Appointed by mayor	
Physician	Two Years	Appointed by mayor <sup>2</sup>	

TABLE OF PUBLIC OFFICIALS IN IOWA — *Continued*

NAME OF OFFICIAL	TERM OF OFFICE	MANNER OF SELECTION	MANNER OF REMOVAL
Street Commissioner	Two Years	Appointed by mayor or board of public works <sup>2</sup>	
Marshal	Two Years	Appointed by mayor <sup>2</sup>	
Wharf-master <sup>1</sup>	Two Years	Appointed by mayor	
Superintendent of Markets <sup>1</sup>	Two Years	Appointed by mayor <sup>2</sup>	
Harbor-master <sup>1</sup>	Two Years	Appointed by mayor <sup>2</sup>	
Port Wardens <sup>1</sup>	Two Years	Appointed by mayor <sup>2</sup>	
Board of Library Trustees	Five Years <sup>1</sup> Six Years	Appointed by mayor with consent of Council <sup>2</sup>	
Board of Police and Fire Commissioners <sup>1</sup>	Six Years	Appointed by mayor with consent of Council <sup>2</sup>	By the mayor for cause with consent of majority of Council
Commission of Public Docks <sup>1</sup>	Three Years	Appointed by mayor with consent of Council <sup>2</sup>	
Clerk	Two Years	Appointed by the Council	
Civil Service Commission <sup>1</sup>	Six Years	Appointed by the Council or ex officio	By the Council for cause
Registry Board	Two Years	Appointed by the Council	
Judges of Election		Ex officio	
Board of Canvassers		Ex officio	
Board of Health		Ex officio	
Board of Review		Ex officio	

<sup>1</sup> In cities specified by statute.

<sup>2</sup> Appointed by the Council in commission-governed cities.

<sup>3</sup> Appointed by the Council in cities of the second class and commission-governed cities.



### III

## CRITICISM OF THE METHODS OF SELECTING STATE OFFICIALS IN IOWA

THE popular election of public officers has long been advocated as a cure for all political evils. If favoritism appears in the choice of postmasters, the cry is for elective postmasters. If an appointed railroad commission does not respond to public opinion, again the demand is for popular election. Nevertheless, a method which appears perfect in theory may break down in practice. The ultimate test of any principle or policy is that it works in actual practice, that it obtains results; and this test must be applied to the elective principle.

The election of all public officers by the people seems, theoretically, the best way of securing popular government; but in practice it may become so burdensome and so complicated through the multiplicity of elective offices that popular government becomes "unpopular government". There may be so many offices to fill that the voters, lost in a maze, are obliged to content themselves with a sham democracy. The increase of elective offices, the creation of new parties, the selection of candidates at primary elections, and the frequency of elections have combined to render the voter helpless while the government has to a great extent drifted into the control of men whom a recent writer terms "politocrats".<sup>76</sup>

The situation in Iowa in this regard is not exceptional. At the last primary election it was reported that there

were nearly 700 candidates for State offices (including State Senators, State Representatives, and District Judges), 3,700 for county offices, and 11,710 for township offices, making a total of 16,110 candidates. On the average each voter was called upon to select nominees for about thirty offices from perhaps twice as many candidates. The helplessness of the ordinary voter confronted by such a task may well be imagined. While the small vote cast was perhaps largely due to indifference, lack of time, and failure to realize the importance of the primary, yet a great factor was doubtless the unfamiliarity of many with the candidates. Many of those who voted cast their ballots blindly or at the instruction of volunteer advisers, except perhaps for the most important offices. Moreover, there was also a surprising connection between the vote and candidates whose names headed the tickets.<sup>77</sup>

It is not only at the primary, however, that the voter can not exercise his judgment. At the general election for officers he is confronted by a ballot which contains from four to five tickets, and each ticket usually provides candidates for the same number of offices as did the primary. With so many tickets and so many offices to fill it is impossible for the voter to become informed as to the qualifications of the candidates. The average man is too busy making a living to pay much attention to politics: his farm, or his position, or his business needs his attention; and even if he has the time to spare, he can not obtain impartial information concerning any but the candidates for the leading offices. He is, therefore, forced to do one of three things: neglect to vote for the so-called minor officers, or follow the suggestions of "advisers", or vote blindly for the candidates on his party ticket who are often nominated through the efforts of a political machine and special interests allied with the machine.<sup>78</sup>

Since the voters, uninformed, confused, and stirred by prejudices, or misled by special organizations, find it impossible to cast an intelligent ballot at either the primary or the general election, it follows that the officials chosen are not always the best qualified for the office. Too often they are unfit, or members of a political machine, or even the representatives of special interests. Men who have analyzed the situation declare that the people by too much voting have disfranchised themselves and that the governmental machine is accordingly manned by officers who are in reality chosen and controlled by the few.

It would seem that the appointive system in Iowa might be improved. A General Assembly composed of fifty members in one house and one hundred and eight in the other makes a very unwieldy body for the consideration of appointments. In a Senate of so many members no one feels much responsibility for the appointments made. Nor does the appointee feel any responsibility to the legislators. Then, too, since the members are usually interested in the welfare of their party, the positions filled by them frequently go to faithful party workers. Much the same objection holds true of the Executive Council and the board which appoints the State board of health. Where responsibility is lost politics may easily enter. The convention of presidents of school boards for the selection of county superintendent may also be criticised on these grounds. Appointments by the Governor and the Senate are open to the criticism that the division of responsibility weakens any sense of it. If the Senate or the Executive Council takes its power of approval seriously, it may compel the Governor to bargain for its consent to appointments or even demand the selection of unfit men.

Another objection to some of the present appointing agencies is that they have little or no interest in the duties to be performed by their appointees and consequently they select officials carelessly. Thus the General Assembly is little concerned about the work of the State binder or the State printer after appointment; and the same is true as to the relations between the Executive Council and the board of examiners of mine inspectors.

The great number of appointing agencies is also unfortunate. It is confusing to have the power of appointment lodged in the Governor, the Governor and the Senate, the Governor and the Executive Council, the Executive Council, the General Assembly, and several other agencies. It is almost impossible without consulting the statutes to determine just who does appoint any one official, and so it is difficult to know whom to hold responsible for appointments.

Moreover, the scattering of appointive power is likely to create friction between officials, a condition which emphasizes the decentralized character of the State's administration. Lack of administrative unity is due to the absence of any uniform plan of appointment in the General Assembly when it created the various appointive offices. The agricultural interests of the State called into being such offices as the board of agriculture, the commission of animal health, and the director of weather and crop service. Labor organizations procured the creation of such offices as State mine inspector, board of examiners for mine inspectors, bureau of labor statistics, and Iowa industrial commissioner. The awakening of the people to the importance of public health and safety has resulted in the organization of such offices as the State board of health, State dairy and food commissioner, State fire

marshal, State inspector of boats, and State registrar of vital statistics. Groups of men, realizing that incompetents and "quacks" hurt the good names of their professions, and their incomes as well, have persuaded the legislature to create boards of registration for the various professions. The development of business and transportation have necessitated such supervisory offices as the board of railroad commissioners and commissioner of insurance. Increased interest in education has led to the formation of such boards as the State board of education, the State board of educational examiners, and the library commission.

These demands for governmental aid, for governmental supervision, for governmental control, coming within a comparatively short period of years, have overwhelmed the General Assembly and prevented the working out of a definite, well-ordered, or systematic plan of regulating administrative appointments. Each demand was met as it arose before the General Assembly, with little thought of the relation of the proposed office to those already created — the result being that the various administrative offices are practically independent of each other. Efficient, harmonious, unified, responsible administration under present methods of appointment is, therefore, impossible. Even if the Governor had the power and attempted to supervise all these independent, disconnected, unaffiliated offices he would lose himself in details and fail to perform the duties of his own office. The number of appointing agencies emphasizes the difficulty of securing responsible administration. Not only has the Governor no control over administration except by means of the party bond, but effective control is also lacking on the part of the legislature and the people.

The purposeless diversity in the form of administrative offices seems to be another defect. For instance, there is no apparent reason why the State board of education should not be similar in organization to the board of control. However, this is but a minor fault in Iowa, since the rule of appointing boards and commissions for sub-legislative, judicial, and advisory work, and single officials for administrative work is fairly well observed.

The lack of coördination and the number of unaffiliated offices leads almost inevitably to duplication of work or overlapping of duties. The recent conflict of authority between the secretary of the State board of health and the State epidemiologist is an example. The board of parole, if not actually encroaching upon the functions of the State board of control, is at least doing work that could be performed perhaps as well by the latter.

The difference in the terms of the Governor and the officials appointed by him alone or with the approval of other officials does not seem wise. This is especially objectionable in the case of boards with members who have overlapping terms. The term of the members of the board of control is fixed at six years; since the Governor's term is only two years, he may appoint only one member during his term. The same is true of the board of parole and the State board of education. Likewise single officials are appointed for longer terms than that of the Governor — as for instance, the State fire marshal, the State mine inspectors, and the State veterinary surgeon. Thus each appointive board or official becomes practically independent of the Governor's control, making definite State policy impossible.

The qualifications fixed for some offices are meaningless, subject to various interpretations, or even of a char-

acter which hampers the free exercise of judgment on the part of the appointing agency. Thus the inspector of bees must be a "competent" man. As late as 1913 the General Assembly provided that the State Auditor should appoint "suitable" State examiners for counties. The Governor must also choose the commissioners of pharmacy from among the "most competent" pharmacists of the State. The insurance commissioner is to be selected "solely with regard to his qualifications and fitness to discharge the duties of his office." The State fire marshal must be "versed in causes of fires and improved methods of fire prevention". The old restriction of bi-partisan representation on boards, on the theory that the members of one party will watch those of another and that the "outs" also ought to have some offices, still lingers with respect to the board of control, the State board of education, and the board of health. That the Governor is also hampered by the theory that the different parts of the State ought to be represented on a board is seen in the fact that no two members of the board of control may be from the same congressional district.

So far as ex officio offices are concerned several reasons for their creation have been suggested. The chief objection to this method of filling any office is that the official is too busy with the duties of his own office or lacks the inclination to give much attention to the duties connected with the ex officio office. Furthermore, it is not always true that the work of such an official is of such a character as to adapt him for the duties of the ex officio office. For these reasons the results obtained from this method of selecting officials are not always satisfactory.

## IV

### PROPOSED CHANGES IN THE METHODS OF SELECTING PUBLIC OFFICIALS

THE question of the relation among the departments of State government as well as the problem of their organization has repeatedly challenged public attention in recent years. To-day many forces and agencies are at work attempting to bring some order out of the general chaos. The problem of how to select public officials in order to secure the greatest degree of efficiency and responsibility finds an important place in the plans which have already been put forward for the reorganization of both the legislative and the executive branches of State government.

#### STATE OFFICIALS

Governor Hodges of Kansas has for some time been an ardent champion of a single-chamber State legislature to consist of one or two members elected from each congressional district for four or six years. He proposes that such a commission or Legislative Assembly shall meet under the presidency of the Governor whenever the "exigencies of the public business" may require.<sup>79</sup> Governor O'Neal of Alabama would retain the bicameral legislature but reduce the number of legislators, abolish county representation, and elect some members at large and others from districts created on a population basis.<sup>80</sup>

The People's Power League of Oregon has prepared a plan which calls for the abolition of the State Senate and



the creation of a legislative body to consist of sixty elective members, each legislative district having at least two members chosen by some method of proportional representation. The Governor and the defeated candidates for that office who represent parties which were entitled to recognition as such at the preceding election are also to be members of the legislature.<sup>81</sup>

It is the need of reorganizing the State executive department, however, that has been emphasized in recent investigations. Most of the suggested changes are based on two objections to the present method of selecting executive and administrative officers: first, the people attempt to elect too many officers, and secondly, appointments are unsystematic and without central control or responsibility. Accordingly, plans for the reorganization of State administration are modeled on the federal plan. Under such a system an elective Governor will assume the responsibility for the administration of legislative policies, and will select and keep as his aids men who are not out of touch with his policy. In the absence of guaranties of effective and harmonious administration it is urged that some scheme ought to be put into operation to secure responsible government under the supervision of the Governor.

The efficiency engineers who recently investigated the State administration of Iowa recommend that the Governor, Secretary of State, State Treasurer, State Auditor, and Attorney General be continued as elective officers. They would abolish the Executive Council and group practically all the other administrative officers under seven departments with a Director General at the head of each. The Governor, as the leading Director General, is to appoint the other six with the consent of the Senate.

The proposed plan also provides for the appointment, presumably by the Governor and the Senate, of a State printer and binder, a State purchasing agent, a civil service commission, and on account of the overlapping of duties lodges the duties of the board of parole with the board of control. Furthermore, all executive officials except the five constitutional officers and the heads of the departments are to be appointed after merit tests by the civil service commission.<sup>52</sup>

The Joint Committee on Retrenchment and Reform of the General Assembly considered the report of the efficiency engineers above outlined and published the results of its deliberations on November 12, 1914. They suggest the appointment of the Attorney General by the Governor and the continued election of the other three constitutional officers. All other public offices are to be grouped under three departments with heads appointed by the Governor. The committee omits further reference to the method of selecting officials in Iowa.

An efficiency commission of thirty members appointed by the Governor of Minnesota made a similar investigation of the administration in that State. The plan proposed, favors the grouping of related administrative officers in departments so as to avoid constitutional changes as to method of selection. The Governor, Lieutenant Governor, Secretary of State, Auditor, and Treasurer are continued as elective officials; a tax commission, a board of education, and a board of regents are to be appointed by the Governor, and an unpaid civil service commission of three members is to be selected by the Governor and the Senate. Practically all the rest of the administrative work is to be divided among six departments, each under a director, who is to appoint the heads of

divisions or bureaus under him; while all other public officials and employees are to be chosen under civil service rules.<sup>83</sup>

The Oregon plan provides for the election of a Governor and a State Auditor for terms of four years, and requires the Governor to appoint the Attorney General, Secretary of State, State Treasurer, as well as a State printer, superintendent of public instruction, secretary of labor, and State business manager — all to hold office during the Governor's pleasure and with such officials as may be provided by law to make up the Governor's cabinet. Furthermore, the Governor shall take over the control of the organization and management of all State business, State institutions, and public functions governed or managed either wholly or in part by boards or commissions, although he may continue such boards and commissions. The Governor shall appoint the State manager from any part of the country, but he alone shall be responsible to the people for results.<sup>84</sup>

Another plan provides for a Governor elected for a comparatively long term and "subject to recall under certain defined conditions", and also provides for an Executive Council patterned after the President's cabinet. The members of this council appointed by the Governor would be a Controller, Attorney General, Secretary of State, Commissioner of Public Works, "and the like" — all subject to removal by the Governor — while their subordinates would be chosen after civil service examinations.<sup>85</sup>

Feeling their incompetence to criticise the judicial system of Iowa or the methods of selecting judges, the efficiency engineers who investigated the State government referred to the proposal of an eminent legal scholar.

This plan, patterned after the English system, calls for but one court to consist of an elective chief justice and associate justices appointed by the chief justice or by the chief justice and the Senate for life. This court would consist of as many divisions as seem necessary to carry on the judicial work of the whole State, thus displacing the present Supreme Court, the district and the superior courts, and the justice of the peace courts.<sup>86</sup>

An appointive judiciary has also been recommended. In New York it is said that though elective judges are supposed to be in accord with the spirit of the times they are in fact rather "in accord with the sentiment of political bosses and the reactionary powers behind them", and hence it is suggested that to "inject an element of conspicuous responsibility into the making of judicial nominations" the Governor shall recommend candidates to the people. Those dissatisfied with the recommendations of the Governor may file a petition of counter-nominations. All nominations are then to go on the ballot without party label, though the candidates of the Governor will be indicated as being "Recommended by the Governor". The theory back of the plan is that the nominations of the Governor will be so satisfactory as to bring forth no opposing candidates. In practice, then, it will provide an appointive judiciary, subject to popular confirmation or "substitution".<sup>87</sup>

#### COUNTY OFFICIALS

To-day the county, as an organization which collects and expends thousands of dollars yearly, should be managed as a business corporation by a few men who have time and talent for the job, selected according to short ballot principles.<sup>88</sup> It was to secure efficient business

management in the counties of Iowa that Governor Clarke in 1913 favored the creation of the office of County Manager, and that a bill was introduced into the State Senate to provide for a board of three county supervisors, elected at large for a term of four years, who were to devote their entire time to the affairs of the county. The bill, however, failed to become law.<sup>89</sup>

California was a pioneer in extending the right of limited home rule to counties. By the terms of a constitutional amendment adopted in 1910 the people of a county may by a majority vote decide in favor of the short ballot principle in county government. Los Angeles County was the first to take advantage of the law. Its home rule charter provides for a board of five supervisors, a sheriff, a district attorney, and an assessor — all elected for four-year terms. By a system of rotation, however, not more than three officers are elected at any one election. Except that positions in the classified service shall be filled according to civil service rules, the board of supervisors as the responsible governing body of the county has the power to appoint an auditor, board of education, board of law library trustees, civil service commission, coroner, county clerk, county counsel, fish and game warden, health officer, horticultural commissioner, live stock inspector, probation committee, probation officer, public administrator, public defender, purchasing agent, recorder, registrar of voters, road commissioner, superintendent of charities, superintendent of schools, surveyor, tax collector, and treasurer. Officials later provided by law are also to be appointive. Moreover, all county officials, elective or appointive, are subject to the recall.<sup>90</sup>

A somewhat different proposal calls for three super-

visors elected at large, a county judge, and a district attorney. The board of supervisors shall appoint a county manager who shall in turn appoint the sheriff, county clerk, county treasurer, superintendent of the poor, and a medical examiner. The Oregon plan is the same except for the requirement that the Governor shall appoint the sheriff and the district attorney in each county.<sup>91</sup>

The Municipal Association of Cleveland favors the appointment of the clerks of courts and the sheriffs by the courts. In order to shorten the ballot and increase the dignity and importance of the county board it would have the board appoint the county treasurer, recorder, and surveyor, and transfer the necessary duties of the coroner's office to the sheriff. This plan would leave a ballot of five names: three commissioners, an auditor, and a prosecuting attorney.<sup>92</sup> Another plan provides for the appointment of a clerk, recorder, coroner, county superintendent of schools, and assessor by the president of the county board from the civil service list. The treasurer and the State's attorney are to be appointed by the president of the county board alone or with the consent of the other board members. With a greater centralization of the judiciary, however, the appointment of the State's attorney by the Attorney General is deemed better still.<sup>93</sup>

Another short ballot plan is based on the distinction between the State and the purely local functions of the county. Thus the Governor would appoint district judges, who in turn would appoint the clerks for their respective courts. The Attorney General would select the sheriff and the county attorney, while the coroner would become a medical subordinate in the county attorney's office. As officers for local functions there would be

a county manager appointed by the board of supervisors; and since the voters generally take little interest in the county board, the members should be appointed by the town governments or perhaps made up of the mayors in the county. All other county officers would obtain their positions on a civil service examination basis.<sup>94</sup>

#### TOWNSHIP OFFICIALS

On account of the seeming unimportance of township government little attention has been given it. The excessive number of elective township officers compared to the size of the political area has been pointed out: the number could be well reduced in the interest of economy and efficiency. Others, however, believe that the length of the ballot is not in itself a serious obstacle to popular government in small communities since the voters, as a rule, are acquainted with the candidates. Still other short ballot advocates suggest that only township trustees should be elected.<sup>95</sup>

#### MUNICIPAL OFFICIALS

The need of reform in municipal government appeared at an earlier date than in other areas of local government. The short ballot principle of the federal plan of city government has proven popular. The commission plan method of selecting city officials has spread throughout the nation. Another scheme much favored at the present time is the so-called city manager plan — already adopted by a dozen or more American cities. The city council elected at large appoints or hires the city manager, who then directs all city departments except the schools and the courts. A single-headed administration is thus established instead of the five- or three-headed system of the commission plan.<sup>96</sup>

Three Iowa municipalities have recently adopted a modified form of the city manager plan. At Clarinda and Chariton the council selected a city clerk and delegated to him the business of directing the administration of municipal affairs. At Iowa Falls the office of street commissioner was abolished and its duties assigned to the city clerk who was also given the power to purchase all supplies for the city and superintend the city water-works.<sup>97</sup>



## V

### STANDARDS OF REFORM IN THE SELECTION OF PUBLIC OFFICIALS

THE reasoning of students who assert that democracy and efficiency are incompatible and that the people can not have both is fallacious. Democracy means government by and for the people. A government is not by the people if voters blindly follow the advice of others in casting their ballots at elections or if they are disappointed in the officials selected. A government is not for the people if public officials make and enforce unpopular laws. It is but a sham democracy if inefficiency and corruption exist in connection with the building of bridges and public buildings; it is "unpopular" government if laws regulating railroads are not enforced or if they are enforced so as to favor the railroads. Government is democratic so long as the people cast their own ballots and choose their own officials: it is democratic and efficient when the people control all their officials in such a way as to obtain the best public service.

Accordingly, reforms which aim to simplify the machinery of government so that the people may hold their public servants responsible are steps toward a real democracy. Any change which will make it possible to obtain the expression of the popular will and cause public officials to become more sensitive to public opinion is in accord with democratic principles.

## THE SHORT BALLOT

There can be no doubt but that on primary and election days the average voter in Iowa is overwhelmed by the hopelessness of casting an intelligent ballot. The only reasonable escape from such a situation is to remove a large number of minor officers from the ballot. This would lift a tremendous burden from the voter's shoulders and also emphasize the importance of the offices which remain elective. Furthermore, the terms of public officials should be lengthened so that elections will occur less frequently. Inasmuch as the chief objection against the primary election for the nomination of candidates is the cumbersome ballot, the adoption of the short-ballot principle would relieve the voter at the primary as well as at the election. It would also make a system of second-choice voting possible. Such is the short ballot plan which is now being advocated with such vigor throughout the country. In this connection the words of President Wilson may well be quoted:

We have given the people something so vast and complicated to do in asking them to select all the officers of government that they cannot do it. It must be done for them by professionals. . . . The essential thing is that his [the voter's] task should be comprehensible and manageable, that the men he is called upon to vote for should be so few that he can select them for himself or at least easily judge the action of those who do select them. . . . We have been mistaken,—this is the long and short of the matter,—in supposing that we were giving the people control of their governments by making all offices elective. We actually, as a matter of fact and of experience, put them in control only when we make only the chief, the really responsible offices elective, allow those whom we elect to appoint all minor officials, all executive agents, and hold them strictly responsible as the superintendents of our business. . . . The short ballot is

the short and open way by which we can return to representative government.<sup>98</sup>

Advocates of the short ballot are agreed that the so-called policy-determining officials of the State — the Governor and the members of the General Assembly — should continue to be popularly nominated and elected since in no other way can there be effective popular control. The Governor, on account of his influence in legislation and as the responsible head of the administration, should be elective for a term of at least two years. For consultative purposes he should have a cabinet consisting of the heads of departments who would take the place of the present Executive Council. The General Assembly, however, is a needlessly large body. Since the theory of class interests and divisions on which the two-house legislative system was originally based does not obtain in Iowa, it is believed that the Senate might be abolished and the House of Representatives continued as the legislature with a membership of about fifty elected for the same term as the Governor.

As the Lieutenant-Governor is seldom called upon to serve as Governor, his office might well be abolished. The principal duty of the Lieutenant-Governor is to preside over the Senate: his extensive powers as such not infrequently permit him to control the Senate. The appointment of an officer by the Senate, therefore, would be more apt to give expression to the will of that body.

Other elective State officers, since they do not hold policy-determining offices, should be appointed by the Governor — especially since the elective principle in the case of these minor offices has seldom worked well in practice. In Iowa a good beginning has already been made by removing the Superintendent of Public Instruc-

tion, the Supreme Court Clerk, and the Supreme Court Reporter from the ballot. Of the large number of State officials now appointed in different ways, many should be appointed by the Governor; while their subordinates might well be required to compete on a civil service basis. (For the grouping and selection of State officials according to plans already proposed see Mr. Horack's paper on *Reorganization of State Government in Iowa* which appears in this series.)

The present method of nominating and electing judges does not particularly commend itself. The voters still ballot on judges as partisans,<sup>99</sup> or else they have no way to determine the qualifications of the various candidates. While appointment by the Governor would no doubt be preferable, this method of selecting judges is not very likely to be adopted so long as the judges retain their political power. Some plan of nominating judicial candidates by convention, followed by popular election, would seem to be a better method than the one which obtains at present. The plan of empowering the Governor to recommend candidates for election as described above (p. 60) would probably yield even better results.

County government in Iowa has been a fertile field for the operation of political rings: its offices have too often been handed around by a clique of politicians, with the result that the officials elected are not always fitted to do their work. As in the State administration so in the county, there is no official with real supervisory power over the public business. In the first place there should be a distinction between functions performed by the county for the State and purely local functions performed for the people of the county. The administration of justice in the county should, to a large extent, be brought under

direct State control; the clerk of the district court should be appointed by the district judge; county attorneys and sheriffs should be appointed by the Attorney General; and the office of coroner should be abolished and its duties transferred to the county attorney, who should have authority to employ a physician to make the necessary medical examinations. Moreover, it would be well to do away with the present cumbersome method of appointing the superintendent of schools and give the power to the State Superintendent of Public Instruction.<sup>100</sup>

Either of two short ballot plans may be adopted for the organization of county government for the administration of local affairs. Provision may be made for a board of supervisors of three members elected for six years, one to go out of office every second year. This board shall devote all its time to county affairs, with supervisory power over county officers of its own choosing, or it may remain a non-professional board with a county manager to be responsible for the affairs of the county. Under the latter plan the supervisors would appoint the county manager from any part of the country to hold office during their pleasure, and the county manager would select the other county officials. In either case the merit system might be adopted to secure desirable candidates for appointive offices.

It has always been difficult to get men to accept certain township offices. That this is frankly admitted may be seen in the statutory provision that any man is subject to a fine for refusing a township office unless he has just completed a term. It would seem better, therefore, to provide for the election of the assessor and the board of trustees, giving the trustees power to appoint the other township officers.

Iowa has already met the demand of municipalities for commission government; and it seems advisable to give cities legal authority to adopt the city manager plan which is being put into operation in a modified way already under present laws. If a rigid statute should be enacted, it would seem that the Dayton plan is simple and adaptable to a municipality of any size. However, the provision for the recall of the city manager seems unwise.

#### CIVIL SERVICE REFORM

The merit system is being tardily introduced into American States as a modified form of the appointive system, providing, as it generally does, for the appointment of persons to public positions after an examination of some sort. This method of selecting public employees might well be extended to include many public officials. It certainly commends itself to any one who is acquainted with the time-worn method known in American history as the spoils system. (For a discussion of civil service reform see Mr. Van der Zee's paper on *The Merit System in Iowa* which appears in this series.)

Civil service reform, however, should not stop at the establishment of the merit system in State government: its principles are just as applicable to county and municipal government. This reform has in fact been given a more widespread application in city services than in State services, and many counties in New York and New Jersey regulate appointments to office according to the State law, the State civil service commission appointed by the Governor in each Commonwealth regulating the administration of local commissions in cities and counties. In Massachusetts, where the law is mandatory upon all cities, as is the case also in Ohio, there is only one civil

service commission, appointed by the Governor, exercising direct jurisdiction in city and State services. In Colorado and New Jersey municipalities may adopt the merit system by popular vote. The progress of civil service reform in municipal government has been so rapid that in 1913 over two hundred cities administered affairs under civil service rules, most of them regulating the entire city service in this way and others limiting the merit system of appointment to particular departments, notably the police and fire departments.<sup>101</sup>

Whether the State civil service commission should take charge of examinations for positions in counties and municipalities may well be questioned. Perhaps it would be better to leave this matter to a commission appointed by the supervisors for the county and a commission selected by the city council for the city. In both units of local government, however, the same system of selecting many public officials as well as other features of civil service reform might well be introduced. Thus would the voter in State, county, and city elections be relieved of an unpleasant and at all times difficult duty.

#### CONCLUSION

The methods of selecting public officials as above advocated are believed to be in harmony with the various schemes of reorganization of State government, all of which aim to give the Governor control over administrative policies and to reduce the size of the legislature. Many of the proposed changes call for amendments to the Constitution. Since the people act but slowly when called upon to alter their form of government they will accept suggested changes only gradually. But much may be accomplished by the General Assembly without constitu-

tional amendment. County government deserves immediate attention. The short ballot principle should be applied to as many offices as possible. Appointments to many offices which are now appointive or elective can be placed upon a merit system provided by law. It is by adopting such measures as these that the State of Iowa can secure greater efficiency and more real democracy than now prevails in the administration of State and local affairs.



NOTES AND REFERENCES



## NOTES AND REFERENCES

- <sup>1</sup> For some recent editorial comments on primary elections see *The Register and Leader* (Des Moines), Vol. LXV, May 30 and June 6, 1914.
- <sup>2</sup> See Mr. Horaek's paper on *Primary Elections in Iowa* in *Applied History*, Vol. I, pp. 275-300; *Laws of Iowa*, 1913, pp. 91, 92.
- <sup>3</sup> *Constitution of Iowa*, Art. III, Secs. 3-6, 34-36.
- <sup>4</sup> *Constitution of Iowa*, Art. IV.
- <sup>5</sup> *Laws of Iowa*, 1878, p. 67; 1888, p. 50.
- <sup>6</sup> Shambaugh's *Debates of the Constitutional Conventions of 1844 and 1846*, pp. 103-107; *Constitution of Iowa* (1846), Art. V, Secs. 3, 4.
- <sup>7</sup> *Constitution of Iowa*, Art. V, Secs. 3, 5; *Laws of Iowa*, 1913, pp. 26, 27.
- <sup>8</sup> *Code of 1897*, Sec. 2469.
- <sup>9</sup> *Laws of Iowa*, 1888, p. 113.
- <sup>10</sup> *Laws of the Territory of Iowa*, 1838-1839, p. 35, and 1845-1846, p. 24; *Laws of Iowa*, 1866, pp. 81, 82; 1913, p. 93.
- <sup>11</sup> *Laws of Iowa*, 1884, p. 175; *Code Supplement of 1907*, Secs. 311, 311-a.
- <sup>12</sup> *Laws of Iowa*, 1886, p. 168.
- <sup>13</sup> *Laws of Iowa*, 1898, p. 62.
- <sup>14</sup> *Laws of Iowa*, 1907, p. 194.
- <sup>15</sup> *Laws of Iowa*, 1909, pp. 166-168.
- <sup>16</sup> *Laws of Iowa*, 1911, pp. 140, 141.
- <sup>17</sup> *Laws of Iowa*, 1904, p. 80; 1913, p. 152.
- <sup>18</sup> *Laws of Iowa*, 1913, pp. 166, 170.
- <sup>19</sup> *Laws of Iowa*, 1864, pp. 53-56, and 1913, p. 88.
- <sup>20</sup> *Laws of the Territory of Iowa*, 1838-1839, p. 330; *Laws of Iowa*, 1892, p. 42.
- <sup>21</sup> *Code of 1897*, Sec. 373.
- <sup>22</sup> *Laws of Iowa*, 1882, p. 153; *Code of 1897*, Sec. 2628.
- <sup>23</sup> *Laws of Iowa* (Public), 1872, p. 53; 1880, pp. 196, 197; 1888, pp. 74, 75; 1913, p. 218.

- <sup>24</sup> *Laws of Iowa*, 1880, p. 71; *Code of 1897*, Sec. 2584.
- <sup>25</sup> *Laws of Iowa*, 1882, p. 36; 1900, pp. 68, 69.
- <sup>26</sup> *Laws of Iowa*, 1884, pp. 192, 202; *Code of 1897*, Sec. 2503; *Laws of Iowa*, 1904, pp. 93, 94.
- <sup>27</sup> *Code of 1897*, Sec. 2511.
- <sup>28</sup> *Laws of Iowa*, 1890, pp. 44, 45.
- <sup>29</sup> *Laws of Iowa*, 1874, p. 38; *Code of 1897*, Secs. 2539, 2563.
- <sup>30</sup> *Laws of Iowa*, 1900, pp. 19, 86.
- <sup>31</sup> *Laws of Iowa*, 1886, pp. 54, 55; 1888, pp. 135, 136; 1906, p. 115; 1911, p. 126.
- <sup>32</sup> *Laws of Iowa*, 1909, pp. 159, 165.
- <sup>33</sup> *Laws of Iowa*, 1911, pp. 130, 131.
- <sup>34</sup> *Laws of Iowa*, 1913, p. 109.
- <sup>35</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. I, p. 91; *Laws of the Territory of Iowa, 1839-1840*, p. 28.
- <sup>36</sup> *Laws of Iowa*, 1900, p. 85.
- <sup>37</sup> *Laws of Iowa*, 1854-1855, p. 252; 1900, pp. 40, 41.
- The act of 1900 which created the Department of Agriculture also provided for a finance committee of three members appointed by the Executive Council. This committee "examines and reports upon all financial business" of the Department of Agriculture before its annual meeting and makes such report to the Governor. No member of the State Board of Agriculture is eligible as a member of the committee.
- <sup>38</sup> *Laws of Iowa*, 1854-1855, p. 121; 1892, p. 98.
- <sup>39</sup> *Laws of Iowa*, 1856-1857, pp. 337, 338; 1872, pp. 113, 114.
- <sup>40</sup> *Laws of Iowa*, 1880, p. 142; 1913, pp. 232, 233.
- <sup>41</sup> *Laws of Iowa*, 1892, p. 83; 1900, p. 85.
- <sup>42</sup> *Laws of Iowa*, 1888, p. 74; 1902, p. 62; 1904, p. 93.
- <sup>43</sup> *Laws of Iowa*, 1907, pp. 138, 140.
- <sup>44</sup> *The Telegraph-Herald* (Dubuque), Vol. LXXXI, March 28, 1913; *Laws of Iowa*, 1911, pp. 93, 94.
- <sup>45</sup> *Journal of the House of Representatives*, 1913, pp. 131, 132; *Laws of Iowa*, 1913, p. 9. The General Assembly had previously provided for the appointment of examiners of municipal accounts by the State Auditor.—*Laws of Iowa*, 1906, p. 25.

<sup>46</sup> *Laws of Iowa* (Extra Session), 1848, p. 31; *Code of 1851*, Secs. 287, 481, 614; *Code of 1873*, Secs. 111, 651, 834; *Laws of Iowa* (Public), 1874, p. 59.

<sup>47</sup> *Laws of Iowa* (Extra Session), 1862, p. 10; 1886, p. 126; *Code of 1897*, Sec. 2576.

<sup>48</sup> *Laws of Iowa*, 1870, p. 184; 1872, p. 98; 1892, pp. 82-84; 1900, p. 85.

<sup>49</sup> *Laws of Iowa*, 1892, pp. 97, 98; 1898, p. 35.

<sup>50</sup> *Laws of Iowa*, 1904, p. 103; *Code Supplement of 1907*, Sec. 2575-a 11.

<sup>51</sup> *Laws of Iowa*, 1906, pp. 35-37; 1909, p. 163.

<sup>52</sup> Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. II, pp. 283-285; Vol. III, pp. 266-268.

<sup>53</sup> *Laws of the Territory of Iowa*, 1838-1839, p. 101; *Code of 1851*, Secs. 303, 322; *Revision of 1860*, Secs. 303, 332; *Laws of Iowa*, 1870, pp. 186, 187; *Code of 1873*, Sec. 299; *Laws of Iowa* (Private), 1874, p. 30; *Code of 1897*, Sec. 411; *Laws of Iowa*, 1906, p. 11.

<sup>54</sup> *Laws of the Territory of Iowa*, 1838-1839, pp. 178, 179; 1845-1846, pp. 17, 18; *Constitution of Iowa*, 1846, Art. VI, Sec. 5; *Constitution of Iowa*, 1857, Art. V, Sec. 13; Bicknell's *The Early Courts in Iowa*, published in the *Iowa Historical Record*, Vol. XVII, pp. 274-277; *Laws of Iowa*, 1913, p. 36.

<sup>55</sup> *Iowa Legislative Documents*, 1868, Vol. I, pp. 57, 58; *Laws of Iowa*, 1868, pp. 221-223.

<sup>56</sup> *Laws of the Territory of Iowa*, 1838-1839, p. 35; *Constitution of Iowa*, 1846, Art. VI, Sec. 5; *Laws of Iowa*, 1858, p. 406; and as to the office of county coroner see *Laws of Iowa*, 1846-1847, p. 154.

<sup>57</sup> Provision for the county recorder may be found in *Laws of the Territory of Iowa*, 1838-1839, p. 396; *Code of 1873*, Sec. 336; *Laws of Iowa*, 1880, p. 35. At present Dickinson, Emmet, Osecola, and Worth counties have less than 10,000 people.

For the office of treasurer see *Laws of the Territory of Iowa*, 1838-1840, p. 19; *Laws of Iowa*, 1846-1847, pp. 139, 140; 1864, pp. 164-166. Provision for county sheriff was made in *Laws of the Territory of Iowa*, 1838-1839, p. 79, and for the county board of trustees in *Laws of Iowa*, 1909, pp. 24-26.

<sup>58</sup> *Laws of Iowa*, 1854-1855, p. 39; *Code of 1873* Sec. 2069; *Laws of Iowa*, 1862, p. 86; *Laws of Iowa*, 1870, p. 116; 1892, p. 73; *Laws of Iowa*, 1896, p. 57.

<sup>59</sup> *Iowa Legislative Documents*, 1913, Vol. III, p. 32; *Laws of Iowa*, 1913, pp. 93-95, 110.

<sup>60</sup> *Laws of Iowa*, 1870, p. 186; *Revision of 1860*, Sec. 739; *Code of 1897*, Sec. 1375; *Laws of Iowa*, 1890, p. 38; *Code of 1897*, Sec. 5645.

<sup>61</sup> *Laws of the Territory of Iowa*, 1839-1840, p. 48; *Laws of Iowa*, 1880, p. 155; *Laws of Iowa*, 1882, pp. 105, 106; 1906, p. 28; 1909, p. 33.

<sup>62</sup> *Laws of Iowa*, 1892, pp. 54, 55; *Code of 1897*, Sees. 1073, 1093, 1138, 1146; *Laws of Iowa*, 1913, p. 104.

<sup>63</sup> *Laws of the Territory of Iowa* (Extra Session), 1845, p. 28; *Laws of Iowa*, 1866, p. 113; 1870, p. 94.

<sup>64</sup> *Laws of the Territory of Iowa*, 1838-1839, pp. 180-183; *Aurner's History of Education in Iowa*, Vol. I, p. 247; *Code of 1897*, Sec. 2744.

<sup>65</sup> *Code of 1897*, Sees. 2751, 2752; *Laws of Iowa*, 1898, p. 53.

<sup>66</sup> *Code of 1897*, Sees. 2754, 2755, 2758; *Laws of Iowa*, 1898, p. 52. Elective officials in independent school districts are nominated by petition.—*Laws of Iowa*, 1913, p. 264.

<sup>67</sup> *Laws of Iowa*, 1858, pp. 79, 80; 1870, pp. 140, 141, 143.

<sup>68</sup> *Code of 1897*, Sec. 2757.

<sup>69</sup> *Laws of Iowa*, 1870, p. 10; *Code of 1897*, Sees. 2755, 2756.

<sup>70</sup> There are only five special charter municipalities in Iowa at present—Davenport, Dubuque, Glenwood, Museatine, and Wapello. Since their form of government and method of selection of officials is practically the same as for general charter municipalities, they are not included in this paper.

*Code of 1897*, Sees. 257, 638, 642, 643, 644; *Laws of Iowa*, 1902, pp. 9, 162-164; 1906, pp. 10, 16; 1907, pp. 20, 21, 28, 32; 1911, pp. 32, 33; 1913, p. 61.

<sup>71</sup> *Code of 1897*, Sec. 655; *Laws of Iowa*, 1907, pp. 21, 22.

<sup>72</sup> *Laws of Iowa*, 1894, pp. 47, 48; 1902, pp. 16, 17; 1907, p. 21; 1913, pp. 46, 47, 62, 63.

<sup>73</sup> *Laws of Iowa*, 1886, pp. 187, 188; 1896, p. 67; 1906, p. 29; 1913, pp. 95, 96; *Code of 1897*, Sec. 1076.

<sup>74</sup> *Laws of Iowa*, 1876, p. 136; 1892, pp. 54, 55; *Code of 1897*, Sees. 1138, 1146, 1370, 2568.

<sup>75</sup> *Laws of Iowa*, 1907, pp. 38-49; 1909, pp. 53-58; 1911, pp. 38, 39; 1913, pp. 86, 87. Burlington, Cedar Rapids, Des Moines, Fort Dodge, Keokuk, Marshalltown, Ottumwa, and Sioux City are the commission-governed cities in Iowa.

<sup>76</sup> Kales's *Unpopular Government in the United States*, pp. 24, 25, 135, 136.



## SELECTION OF PUBLIC OFFICIALS

79

<sup>77</sup> *The Register and Leader* (Des Moines), Vol. LXV, May 30 and June 6, 1914.

<sup>78</sup> In 1910 the railroads distributed sample ballots to their employees indicating for whom they ought to vote as railroad commissioners. The activities of the "wets" and "drys" for their favored candidates are well known.

<sup>79</sup> *Legislative Systems*, a bulletin prepared by the Legislative Reference Department of the Kansas State Library, Kansas (Topeka, 1914), pp. 3-7. A similar plan is proposed in Croly's *The Promise of American Life*, pp. 329-332, 338.

<sup>80</sup> *North American Review*, May, 1914.

<sup>81</sup> See the Oregon pamphlet on *Proposed Constitutional Amendments and Measures*, 1912, pp. 210-219.

A plan evidently modeled after English parliamentary government is recommended in Kales's *Unpopular Government in the United States*, pp. 166-180. One feature of the Oregon plan also is favored.

<sup>82</sup> *Manuscript Report of the Efficiency Engineers*, pp. 20-25.

It has been said that the "Governor does not favor the new plan of government suggested, and does not want the powers which the efficiency engineers would give him."

The State officials generally condemned the efficiency report. They declared the new scheme would make the Governor "King George" and the various combinations of offices suggested were scored as highly impractical. — *The Register and Leader* (Des Moines), Vol. LXV, March 1, 1914.

<sup>83</sup> *Preliminary Report of the Efficiency and Economy Commission of Minnesota*, 1914.

<sup>84</sup> *Draft of Suggested Amendment to the Constitution of Oregon for People's Representative Government*, pp. 18-21.

<sup>85</sup> Croly's *The Promise of American Life*, pp. 338-340.

<sup>86</sup> *Some Modern Lessons from an Ancient Court* in the *Report of the Fifteenth Annual Meeting* of the South Dakota Bar Association.

In *Proceedings of the Iowa State Bar Association*, Vol. XV, pp. 148-152, may be found Mr. B. I. Salinger's plan for the non-partisan election of judges for twelve-year terms.

<sup>87</sup> *The Short Ballot in the State of New York* (New York City, 1914), pp. 8-10.

<sup>88</sup> *The Register and Leader* (Des Moines), Vol. LXV, December 10, 1913.

<sup>89</sup> *Iowa Legislative Documents*, 1913, Vol. I, pp. 11, 12.

<sup>90</sup> *The First Short Ballot County* (a bulletin published by the National Short Ballot Organization).

<sup>91</sup> *The Short Ballot in the State of New York* (New York City, 1914), pp. 10-14; *Draft of Suggested Amendment to the Constitution of Oregon for People's Representative Government*, pp. 19, 21-23.

<sup>92</sup> *The Need of a Short Ballot in Ohio* (Cleveland, Ohio, 1911), pp. 18, 19.

<sup>93</sup> *The Short Ballot in Illinois* (Chicago, 1912), pp. 18, 24.

<sup>94</sup> *The Short Ballot Bulletin*, Vol. I, No. 7, of the National Short Ballot Organization.

<sup>95</sup> *The Need of the Short Ballot in Ohio* (Cleveland, Ohio, 1911), p. 20; *The Short Ballot in the State of New York* (New York City, 1914), p. 15; *The Short Ballot in Illinois* (Chicago, 1912), p. 20.

<sup>96</sup> *Proposed Charter for the City of Dayton* (prepared and proposed by the Charter Commission of Dayton, Ohio, 1913).

<sup>97</sup> Letter from Mr. George Gallamo of Chariton, Iowa, and a letter from the Mayor of Iowa Falls, Iowa, September 15, 1914.

<sup>98</sup> Wilson's *The Short Ballot*, pp. 4, 16, 17.

<sup>99</sup> *The Register and Leader* (Des Moines), Vol. LXVI, July 16, 30, 1914.

<sup>100</sup> In New Jersey the Commissioner of Education and State Board of Education appoints county superintendents of schools. They must hold the "highest teacher's certificate issued" in the State.—*Amendments to School Law* (New Jersey), 1912 and 1913, pp. 1, 2.

<sup>101</sup> McLaughlin and Hart's *Cyclopedia of American Government*, Vol. I, p. 287.